REMARKS

Status of Claims:

Claims 1-15 remain cancelled.

The Office Action Summary states that claims 16-31 are pending in the application. However, the previous response included claims 16-33.

Thus, claims 16-33 are pending in the application.

Claim Rejections Under 35 U.S.C. 103:

Claims 16-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (U.S. Patent No. 5,987,424) in view of Kenney (U.S. Patent No. 5,515,424).

In the rejection, the Office Action lists the Kenney reference as U.S. Patent No. 5,514,424, but it is believed that the Kenney reference is actually U.S. Patent No. 5,515,424.

Also, in the rejection, the Office Action lists claims 16-31, but on page 4 of the Office Action, the rejection is further applied to claims 32 and 33. Thus, applicant assumes that the Examiner rejected claims 32 and 33 as being unpatentable over Nakamura in view of Kenney.

With respect to claims 16-33, the rejection is respectfully traversed.

Independent claim 16 recites a method in a terminal management device, the method comprising:

> "receiving a registration request from a portable communication terminal indicating that the portable communication terminal will automatically display received advertisements on a screen of the portable communication terminal, said registration request specifying a selected advertisement broadcaster from among a plurality of advertisement broadcasters;
>
> registering terminal information identifying the portable communication terminal in a memory in correspondence with broadcast

device information identifying an advertisement broadcast device associated with the selected advertisement broadcaster;

receiving advertisement data from the advertisement broadcast device at an arbitrary time after said registering, said arbitrary time independent of actions of the terminal management device;

determining, **upon receiving the advertisement data** from the advertisement broadcast device, one or more portable communication terminals to which the advertisement data is to be transmitted **based on information registered in said memory**; and

transmitting the advertisement data to the one or more portable communication terminals." (Emphasis Added).

Neither Nakamura nor Kenney, alone or in combination, discloses or suggests a method in a terminal management device as claimed in the present independent claim 16 including (i) registering terminal information identifying a portable communication terminal in a memory in correspondence with broadcast device information identifying an advertisement broadcast device associated with a selected advertisement broadcaster; and (ii) determining, **upon receiving advertisement data** from the advertisement broadcast device, one or more portable communication terminals to which the advertisement data is to be transmitted **based on information registered in the memory**. The Office Action points to Figure 11 of Nakamura as disclosing "determining, upon receiving the advertisement data from the advertisement broadcast device, one or more portable communication terminals to which the advertisement data is to be transmitted based on information registered in said memory". (Office Action; page 3).

However, contrary to the assertion made in the Office Action, the exchange 16 in Figure 11 of Nakamura does **not** determine **upon receiving advertisement data** from an advertisement broadcast device, one or more portable communication terminals to which the advertisement data is to be transmitted based on information registered in a memory. (Nakamura; Figure 11, reference 16; col. 19, lines 12-63). In the embodiment of Figure 11 of Nakamura, the following process is performed: (i) the subscriber telephone set 11 is put into

an off-hook state from a free-state; (ii) the subscriber telephone set 11 performs an operation for hearing advertisement information; (iii) in response to the operation performed by the subscriber telephone set 11, the exchange 16 connects the subscriber telephone set 11 and the advertisement apparatus 12 to each other; (iv) the exchange 16 transmits an advertisement information number to the advertisement apparatus 12; and (v) the advertisement apparatus 12 transmits contents of advertisement information directly to the subscriber telephone set 11. (Nakamura; Figure 11; col. 19, lines 34-49). There is only one advertisement apparatus 12 in the embodiment of Figure 11 of Nakamura, so upon the subscriber telephone set 11 performing the operation for hearing advertisement information, the exchange 16 connects the subscriber telephone set 11 to the advertisement apparatus 12. (Nakamura; Figure 11; col. 19, lines 34-49).

The above process in Nakamura is illustrated in detail in the flowchart in Figure 13 of Nakamura. (Nakamura; Figure 13). As illustrated in Figure 13 of Nakamura, the exchange 16 must **connect** the subscriber telephone set 11 and the advertisement apparatus 12 **to each other** (step 1001), and then the exchange 16 must transmit an advertisement information number to the advertisement apparatus 12 (step 1002) to have the advertisement apparatus 12 transmit contents of advertisement information directly to the subscriber telephone set 11. (Nakamura; Figure 13, steps 1001 and 1002).

Thus, the exchange 16 in Nakamura does **not** determine **upon receiving advertisement data** from an advertisement broadcast device, one or more portable communication terminals to which the advertisement data is to be transmitted based on information registered in a memory. (Nakamura; Figure 11, reference 16; col. 19, lines 12-63). As described above, the exchange 16 of Nakamura must **connect** the subscriber telephone set 11 and the advertisement apparatus 12 to each other **prior to** the advertisement apparatus 12 transmitting advertisement information, and then the advertisement apparatus 12 transmits advertisement information directly to the subscriber telephone set 11, **without** the exchange 16 making any determination upon the advertisement information being transmitted from the advertisement apparatus 12 as to which subscriber telephone sets the advertisement information is to be transmitted.

The Kenney reference does **not** address the above-noted distinctions between the present independent claim 16 and the Nakamura reference, because the Kenney reference similarly neither discloses nor suggests the claimed feature of "<u>determining, upon receiving the advertisement data from the advertisement broadcast device, one or more portable communication terminals to which the advertisement data is to be transmitted based on information registered in said memory</u>". (Emphasis Added)

In the system of Kenney, the controller 130 selects desired images from an image database, which are then compressed, packetized, and transmitted through the telephone network 14 to the public telephone station 16, where the packets are rearranged in proper order, decompressed, and displayed on the monitor 18. (Kenney; Figure 1; col. 7, lines 15-19 and lines 57-61). Thus, the system of Kenney merely transmits packets of desired images from a database to the public telephone station 16 through the network 14 <u>without</u> any intermediary terminal management device. (Kenney; Figure 4).

Therefore, neither Nakamura nor Kenney, alone or in combination, discloses or suggests a method in a terminal management device as claimed in the present independent claim 16. The Patent Office has <u>not</u> made out a *prima facie* case of obviousness and, thus, independent claim 16 is believed to be allowable.

Independent claim 22 recites an advertisement system with features similar to features of a method in a terminal management device of independent claim 16 and, thus, is believed to be allowable for at least the same reasons that independent claim 16 is believed to be allowable. The Patent Office has <u>not</u> made out a *prima facie* case of obviousness.

Independent claim 28 recites a computer-readable storage medium storing a program that when executed in a terminal management device causes the terminal management device to perform a process with features similar to features of a method in a terminal management device of independent claim 16 and, thus, is believed to be allowable for at least the same reasons that independent claim 16 is believed to be allowable. The Patent Office has <u>not</u> made out a *prima facie* case of obviousness.

The dependent claims are deemed allowable for at least the same reasons indicated above with regard to the independent claims from which they depend.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date _____December 11, 2008_____   By _____/s/_____

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